UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): 17-2010 CR

Caption [use short title]: United States of America v. Lumiere

Motion for: Voluntary Withdrawal of Appeal

Set forth below precise, complete statement of relief sought:

Defendant-appellant Lumiere respectfully requests leave of this Court to withdraw his pending appeal pursuant to Local Rule 42.2.

MOVING PARTY: Defendant-appellant Stefan Lumiere

OPPOSING PARTY: USA

☐ Plaintiff ☐ Defendant

☑ Appellant/Petitioner ☐ Appellee/Respondent

MOVING ATTORNEY: Jeffrey Einhorn, Esq.

OPPOSING ATTORNEY: Joshua Naftalis, Esq.

[name of attorney, with firm, address, phone number and e-mail]

Moving Attorney	Opposing Attorney
11 East 44th Street, Ste. 501	One St. Andrew's Plaza
New York, New York 10017	New York, New York 10007
(212) 581-1001; einhorn@jeffreylichtman.com	(212) 637-2310; joshua.naftalis@usdoj.gov

Court- Judge/ Agency appealed from: SDNY / Hon. Jed S. Rakoff

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):
☑ Yes ☐ No (explain): ______

Opposing counsel's position on motion:
☑ Unopposed ☐ Opposed ☐ Don't Know

Does opposing counsel intend to file a response:
☐ Yes ☐ No ☑ Don't Know

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUCTIONS PENDING APPEAL:

Has this request for relief been made below? ☐ Yes ☐ No

Has this relief been previously sought in this court? ☐ Yes ☐ No

Requested return date and explanation of emergency: ______

Is oral argument on motion requested? ☐ Yes ☑ No (requests for oral argument will not necessarily be granted)

Has argument date of appeal been set? ☐ Yes ☑ No If yes, enter date: ______

Signature of Moving Attorney:

Jeffrey Einhorn **Date:** 10-10-2017 Service by: ☑ CM/ECF ☐ Other [Attach proof of service]

UNITED STATES COURT OF APPEALS
SECOND CIRCUIT

---X

UNITED STATES OF AMERICA,

Appellee,

-v.-

STEFAN LUMIERE,

Defendant-Appellant.

---X

No. 17-2010

MOTION TO DISMISS APPEAL

JEFFREY EINHORN, an attorney admitted to practice before this Court, declares the following under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I represent Stefan Lumiere, the defendant-appellant in the above-captioned appeal.

2. Pursuant to Local Rule 42.2 and together with Defendant-Appellant Stefan Lumiere's attached statement, I hereby move to voluntarily dismiss the above-captioned appeal.

3. I have explained to the defendant-appellant the effect of this request, and Mr. Lumiere understands and desires to withdraw and voluntarily dismiss his appeal.

WHEREFORE, for the reasons stated herein, I respectfully request that Defendant-Appellant Stefan Lumiere's appeal be dismissed.

Dated: New York, New York
October 10, 2017

____________/s/_________________
JEFFREY EINHORN

UNITED STATES COURT OF APPEALS
SECOND CIRCUIT

---X

UNITED STATES OF AMERICA,

Appellee,

-v.-

STEFAN LUMIERE,

Defendant-Appellant.

---X

No. 17-2010

DECLARATION

STEFAN LUMIERE, hereby declares pursuant to 28 U.S.C. § 1746 and under penalty of perjury that the following is true and correct:

1. I am the defendant-appellant in the above-captioned appeal and I am aware of the facts and circumstances therein.

2. Together with my attorney's motion, I hereby request that my direct appeal be voluntarily dismissed pursuant to Local Rule 42.2.

3. My attorney has explained to me the effect of voluntarily dismissing my appeal and I understand his explanation; as such, I desire to withdraw and have the above-captioned appeal dismissed.

Dated: New York, New York
September 6, 2017

STEFAN LUMIERE